

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

NORFOLK COUNTY RETIREMENT SYSTEM,  
individually and on behalf of all others similarly  
situated,

*Plaintiff,*

v.

COMMUNITY HEALTH SYSTEMS, INC.,  
WAYNE T. SMITH and W. LARRY CASH,

*Defendants.*

Consolidated  
Civil Action No.: 11-cv-0433

Judge Eli Richardson  
Magistrate Judge Joe Brown

**JURY TRIAL DEMANDED**

**AMENDED SCHEDULING ORDER**

Pursuant to the telephonic conference held on January 10, 2019, Lead Plaintiff, Defendants, and Non-Party Gary D. Newsome submit the following proposals for briefing deadlines and a telephone conference relating to: (1) Lead Plaintiff New York City Pension Funds' Motion to Compel Documents from HMA Relating to its Stipulated Statement of Facts (ECF No. 297) ("Motion to Compel HMA Documents"); (2) Nonparty Gary D. Newsome's Motion for Protective Order and Limited Opposition to Motion to Compel (ECF No. 304) ("Motion for Protective Order"); and (3) Lead Plaintiff's Fifth Set of Interrogatories served on Defendants Community Health Systems, Inc., Wayne Smith, and W. Larry Cash.

- (1) Defendants' time to respond to Lead Plaintiff's Fifth Set of Interrogatories shall be extended to **January 15, 2019**.
- (2) Non-Party Gary Newsome shall submit any medical information and/or medical records that support the claim that his health conditions preclude him from

providing any further oral testimony in this action on or before **NOON** on **January 22, 2019**.

(3) **Process for submission of Mr. Newsome's medical information:.**

Mr. Newsome's submission shall be treated as confidential subject to the Protective Order entered in this action and shall be transmitted only by e-mail to: The Court at brownchambers@tnmd.uscourts.gov. After the court has a chance to review the material a decision will be made if the material needs to be shared with others under a eyes only protective order and additional time given for a response. The Magistrate Judge will retain the medical material in camera for possible review by other judicial officers if needed. Council is advised the medical evidence must be specific and detailed. General conclusions will not suffice. *See Downing v. Life Time Fitness, Inc.*, No. 10-11037, 2011 WL 2015514, at \*2 (E.D. Mich. May 24, 2011). While a non party Mr. Newsome was a key player for part of the time involved in this litigation. His deposition was taken in a related case and the parties should consider if they could agree on using at least part of that deposition if his condition prevents an additional deposition. While the court had hoped to avoid second depositions the need is apparent in this case because the Plaintiff in this case could not take the deposition while their case was dismissed.

**(4) Response Deadlines to the Motion for Protective Order:**

Lead Plaintiff's opposition shall be filed on or before **NOON January 23, 2019**, and Mr. Newsome's reply in support of his Motion for Protective Order shall be filed on or before **5:00 pm January 23, 2019**.

(5) Lead Plaintiff's reply to its Motion to Compel HMA Documents shall be filed on or before **January 23, 2019**.

(6) In the event Lead Plaintiff's submissions referred to herein contain any confidential or privileged material, Lead Plaintiff may file them in redacted form or under seal.

(7) A similar issue concerning the health of a witness, Mrs. Lipp, has been raised. If possible Mrs. Lipp should follow the same procedure set out for Mr. Newsome for providing the medical evidence and briefing and the matter will be taken up on the Jan. 24<sup>th</sup> conference. Counsel for parties will provide a copy of this order to her counsel.

(8) A telephonic conference call on the Motion to Compel HMA Documents and the Motion for a Protective Order is set with the Magistrate Judge for **Thursday, January 24, 2019 at 5:00 p.m. CST**. To participate in the conference call, the parties are directed to dial **(877) 873-8017** at the scheduled time and enter **Access Code 1958322#** when prompted.

**IT IS SO ORDERED.**

/S/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge